



# PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 12TH STREET, S.W.

WASHINGTON, D.C. 20554

FCC 99-240

News media information 202/418-0500 Fax-On-Demand 202/418-2830 Internet: <http://www.fcc.gov> <ftp.fcc.gov>

Released: September 9, 1999

## COMMISSION SEEKS COMMENT ON PROCESSING ORDER FOR APPLICATIONS FILED PURSUANT TO THE COMMISSION'S NEW LOCAL BROADCAST OWNERSHIP RULES

By this Public Notice, the Commission requests supplemental comment in MM Docket Numbers 91-221 and 87-8 on procedures for processing applications filed pursuant to the *Report and Order* adopted in the local broadcast ownership proceeding on August 5, 1999.<sup>1</sup> In that order, we stated that "[a]pplications filed pursuant to this *Report and Order* will not be accepted by the Commission until the effective date" of the order, which will be sixty days after publication in the Federal Register.<sup>2</sup> We also said: "We realize that the rules adopted in this *Report and Order* could result in two or more applications being filed on the same day relating to stations in the same market and that due to the voice count all applications might not be able to be granted. We will address how to resolve such conflicts in a subsequent action."<sup>3</sup> This Notice seeks comment on how to resolve such conflicts.

Ordinarily, we would process these applications in the order in which they are filed. Generally, however, we treat broadcast applications filed on the same day as being filed simultaneously, regardless of the time of filing. Under the Commission's new local ownership rules, as we noted in the *Local Ownership Order*, we anticipate that applications for transfer or assignment might be filed on the same day relating to stations in the same market that will not all be able to be granted due to the voice counts that apply to the local ownership rules. For example, suppose television stations A, B, and C, all licensed to the same DMA, filed applications on the same day to purchase a second television station in their market. If grant of any one of these applications would bring the voice count down to eight in the DMA and the remaining applications rely on the minimum voice count for compliance with the new duopoly rule, then neither of the remaining applications could be granted. The order in which the applications are processed would thus be determinative in these situations. Similar issues could arise in the radio-television cross ownership rule context, in situations in which grant of one application will bring the voice count down to ten or twenty, such that certain other applications relying on the minimum voice count for compliance with the rule could not be granted.

One approach to resolving these potential conflicts would be to process the applications

<sup>1</sup> *Report and Order* in MM Docket Nos. 91-221 & 87-8, FCC 99-209 ("*Local Ownership Order*").

<sup>2</sup> *Id.* at ¶¶ 150, 155.

<sup>3</sup> *Id.* at ¶ 150.

Comments filed through the ECFS can be sent as an electronic file via the Internet to [<http://www.fcc.gov/e-file/ecfs.html>](http://www.fcc.gov/e-file/ecfs.html). In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.

To file comments by paper, parties must submit an original and four copies to the Office of the Secretary, Federal Communications Commission, 445 Twelfth Street, S.W., Washington, D.C. 20554. In addition, parties should submit one copy to Vicki Phillips, Chief, Legal Branch, Policy and Rules Division, Mass Media Bureau, Federal Communications Commission, 445 Twelfth Street, S.W., Washington, D.C. 20554. All comments should reference FCC 99-240 and be filed in MM Docket Numbers 91-221 and 87-8. Comments and reply comments will be available for public inspection during regular business hours in the FCC Public Reference Room in the Commission's headquarters at 445 Twelfth Street, S.W., Washington, D.C. 20554.

Action by the Commission on September 8, 1999.

For additional information, contact Vicki Phillips of the Policy and Rules Division at (202) 418-2120.

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